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May 2, 2008

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Jeff S. Jordan
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Federal Election Commission
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Dear Mr. Jordan:

I am writing to respond to your letter of April 15, 2008, which the Shafroth for Congress Campaign received on April 18, 2008 and which forwarded the Complaint of the "Jared Polis Campaign" ("Polis" or "the Polis Campaign") as set forth in its letter of April 7, 2008.

First, be assured the Shafroth for Congress Campaign takes its obligations under the Federal Election Campaign Act of 1971 very seriously. At each stage of the campaign, the campaign has had a compliance director, whose responsibility has been to assure compliance with all applicable Federal campaign laws. Currently, that individual is Blake Johnson. Mr. Johnson approaches his job seriously and professionally and has worked closely with the Campaign's FEC analyst, Jennifer Pittman, and has kept records of conversations to ensure compliance. Additionally, Mr. Johnson assures me that he is taking exactly the steps suggested to answer letters from the FEC, including the Campaign's Form 99 on Public Record and the most recent Amendment F3 to Year End 2007. We have consistently reviewed our compliance procedures to correct or improve them where appropriate. As treasurer, I have been satisfied at each stage that the Shafroth for Congress Campaign was taking appropriate steps to ensure compliance. Since Mr. Shafroth declared his candidacy, the campaign has received well over 1,500 individual donor contributions. The Campaign has taken all necessary and reasonable steps to make sure that the information contained in the required finance reports is accurate and complete.

Shafroth for Congress' first, informal, awareness of the Polis Campaign's concerns was received on March 12, 2008 when a reporter forwarded to us a copy of a letter outlining the Polis complaint to the FEC. At that point, Will Shafroth and I immediately asked the campaign to perform an audit to determine the accuracy of the Polis Campaign's concerns about disclosures. Shafroth for Congress knew that it had an obligation to put forth its "best efforts" in reporting donor information and this audit was designed to ensure that such was the case. As the following explanation will indicate, the thrust of the Polis Campaign's complaint is completely unfounded,

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though a handful of minor inaccuracies were found and promptly corrected. Shafroth for Congress clearly used its "best efforts" in reporting donor information.

The primary concern expressed by the Polis Campaign is that 47 listings of "Community Volunteer" for a donor's occupation are too many (47 donors constituted approximately 7% of the total 659 itemized donations received by Shafroth for Congress at the time of the complaint). Then, Polis sets forth 3 individual examples which it suggests are incorrect descriptions of the donors' employment.

"Community volunteer" is a common designation for someone who is otherwise unemployed and active in the community, whether it be helping at church, volunteering in the classroom or otherwise. Sometimes these people list themselves as unemployed, other times as a homemaker, and still other times as a community volunteer. Shafroth for Congress uses the term to define unemployed citizens who volunteer in their community. Many political committees use this designation as well. It is important to note that given Will Shafroth's background in the non-profit sector, it is not unreasonable for him to have a large number of community activists donate to his campaign.

Our first priority was to look at the 3 people specifically mentioned in the Polis complaint.

The first example listed by Polis is Mary Kobey who is listed as a community volunteer. Polis uses Hillary Clinton and Mark Udall FEC reports to suggest that Mary Kobey is self-employed with an occupation of developer of real estate. Mary Kobey is well known for her personal garden that she cultivates on her own property. When contacted directly, Mary Kobey told us that the community volunteer designation is appropriate. In addition she is listed as a community volunteer on Ken Salazar, Thomas Strickland, and David Walters' FEC reports.

Polis' next example is Pamela Troyer. Polis contends, once again with reference to other FEC reports, that Ms. Troyer is a professor working for the University of Colorado. When our campaign contacted her, Pamela Troyer confirmed that she is currently employed as an assistant professor by the Metropolitan State College of Denver. As a result, Shafroth for Congress filed an amended report to the FEC updating Pamela Troyer's employer/occupation information. (I should note that I have known Pam Troyer and her husband, Bob, socially for nearly 15 years and I believed the "community volunteer" designation to be accurate. She was involved in numerous charitable causes and pursuing a graduate degree. I did not realize she is now employed as an assistant professor).

The final example listed by Polis is Elizabeth Fink. Polis points to an FEC report filed by EMILY's List that shows Elizabeth Fink as a co-chair of Marshall Street Management. Polis

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failed to mention that Elizabeth Fink listed herself as a homemaker, volunteer, or not employed on every other FEC report this filing period.

Thus, while one error was made involving Ms. Troyer, it was not intentional and was addressed immediately.

Additionally, at Will Shafroth's and my insistence, and in an abundance of caution, Shafroth for Congress analyzed every person listed as "community volunteer" in the 2007 financial reports even though they weren't mentioned by name in the Polis complaint. Our process was thorough. We first looked at other FEC reports where the donor had listed his/her employer and occupation (it is important to note that Shafroth for Congress has no obligation to check disclosures of other candidates to see if donors are providing consistent information regarding employment). We considered the community volunteer designation to be correct if the donor was listed elsewhere as a community volunteer, volunteer, homemaker or housewife. Where there were discrepancies, we contacted the donor directly. If the donor said he/she had a different occupation and/or employer, we noted it and filed an amended report with the updated information. If we were told the donor is a community volunteer, volunteer, homemaker, housewife or unemployed – we considered the community volunteer designation to have been correct.

Of the 48 people listed as community volunteers, Shafroth for Congress found 39 of them to be correctly designated. The other 9 were immediately corrected on March 26, 2008 with an amended report to the FEC. The breakdown is as follows:

2 of the 48, when contacted, asked to have an additional occupation added to their community volunteer designation, although they said the community volunteer designation was appropriate. They were both self-employed:

- Laurie McBride asked to have us put down "artist" in addition to community volunteer.
- Susan Daggett asked us to put down "consultant" in addition to community volunteer.

Additionally, only two were employed by someone other than themselves. They were:

- Pamela Troyer who is discussed above; and
- Martin Linsky who is employed by Harvard & Cambridge and has the occupations of Teacher & Consultant.

The remaining 5 corrections were:

- Jean Kettering, who asked to be listed as Self Employed/House Manager.
- Kristin Havlick, who asked to be listed as a Self Employed/Graphic Artist.

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- Susan Raymond, who asked to be listed as Self/Artist.
- Abbey Newton, who asked to be listed as Self/Musician.
- Beth Strickland who asked to be listed as Self Employed/Architect.

Shafroth for Congress endeavors to make no mistakes in its campaign compliance, but suggests that an occasional mistake is inevitable in any human endeavor. In this case, these 9 changes constituted just over 1% of the 659 itemized contributions at the time of the complaint (Please note *FEC v. Citizens for the Republic*, No. 78-1160 (D.D.C. 1978) in which the DC District Court granted summary judgment to Ronald Reagan's campaign on March 1, 1979 where 35% of the donors did not have any employer or principal place of business). Just as occurred here, if a mistake is uncovered by our staff, or otherwise brought to our attention, we will promptly correct it. And be assured that going forward we will redouble the Campaign's efforts to obtain and report accurate information from Campaign donors. That said, the mistakes that were made were very minor, not misleading, and not in the slightest intentional. Because there is no substantive merit to the claims made by Polis, Shafroth for Congress requests that the FEC dismiss the matter.

The Shafroth for Congress campaign wishes to fully and carefully comply with both the spirit and the letter of all applicable campaign laws. To the extent that you need additional information, please contact me directly at this address, or feel free to use my email,
. or call my home or my cell phone

Very truly yours,



Stanley L. Garnett
Treasurer
Shafroth for Congress Campaign

cc: Will Shafroth
Lynea Hansen

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